

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 7th day of
September, 2023.

In the Matter of the Application of Spire)
Missouri, Inc. for a Temporary Variance of)
its Meter Sampling Program for Diaphragm)
Meters During Deployment of Ultrasonic)
Metering Infrastructure)

File No. GE-2023-0354

ORDER APPROVING STIPULATION AND AGREEMENT

Issue Date: September 7, 2023

Effective Date: October 7, 2023

On April 11, 2023, Spire Missouri, Inc. (Spire) filed an application for a waiver of Commission orders for both its Spire Missouri East (Spire East) and Spire Missouri West (Spire West) operating areas.¹ More specifically, Spire requests approval to replace all diaphragm meters that have been in service for ten or more years with ultrasonic meters without testing the replaced meters.

Spire also asks for a waiver of the Commission's 60-day notice requirement under 20 CSR 4240-4.017. In support of that request, Spire states that good cause exists for the waiver due to it having no communication with the office of the Commission within the prior 150 days regarding the substance of this application.

The Staff of the Commission (Staff) filed a Recommendation on July 10, 2023. Staff recommended that the Commission grant the requested variance for Spire East, but not for

¹ Spire's predecessors were granted variances from Commission Rule 20 CSR 4240-10.030(19) in File No. GO-91-353 for Spire West, and in File No. GO-95-320 for Spire East.

Spire West. Staff recommends a variance for Spire East because it has a contract for meter reading that is about to expire. However, Staff states that Spire West does not have a similar contract about to expire and, thus, Spire West does not need the variance.

On August 21, 2023, Spire and Staff filed a Full and Unanimous Stipulation and Agreement (Stipulation).² In the Stipulation, the signatories agree that Spire East should receive a temporary variance from the Commission's order in File No. GO-95-320, and that Spire West should not receive a temporary variance from the Commission's order in File No. GO-91-353. The Stipulation states that Spire will file an updated tariff sheet to reflect the Commission's approval of the Stipulation. The Stipulation further lists conditions to which Spire and Staff agree.

Commission Rule 20 CSR 240-4240.115(2) allows parties seven days to object to non-unanimous stipulations and agreements. More than seven days have elapsed since Spire and Staff filed the Stipulation, and no party has objected. Thus, the Commission may treat the Stipulation as unanimous.

The Commission finds the Stipulation reasonable, and will approve it. The Commission also finds that Spire has filed a verified declaration that it has not communicated with the Office of the Commission about this case for more than 150 days prior to filing it. Thus, Spire has provided good cause for waiver of the 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1), and the Commission will waive it.

² Despite its name, the Office of the Public Counsel did not sign the Stipulation.

THE COMMISSION ORDERS THAT:

1. The Stipulation is approved, and its signatories are ordered to comply with its terms.
2. Spire East is granted a variance from the Commission's May 13, 1997 Report and Order in File No. GO-95-320 , subject to the following conditions:
 - a. The temporary variance from Spire East's meter sampling plan applies only to Class 250, 400, and 600 diaphragm meters and expires on December 31, 2025. Spire Missouri shall continue to test rotary and turbine meters at least every 120 months. Spire East shall continue to remove, inspect, and test tin case, iron case, steel case, and older aluminum case meters at least once every 120 months to the extent any such meters are still in use.
 - b. Spire East shall communicate with customers where an appointment is needed for the ultrasonic meter change, informing them of the option to test the diaphragm meter upon removal to verify accuracy. Spire East will also post on its public facing website, the tariff language contained on Sheet R-8 regarding meter testing options for diaphragm meters.
 - c. Spire East will continue to follow its current policy regarding high bill investigations and test meters that Spire has determined could be measuring outside of its accepted accuracy standards. Spire East will continue to test meters upon customer request pursuant to 20 CSR 4240-10.030(20).
 - d. The temporary variance does not apply to ultrasonic meters. Spire East shall periodically test ultrasonic meters in accordance with the rule and maintain a record of the results.
 - e. Spire East shall maintain records of manufacturer/factory tests for installed ultrasonic meters
3. Spire shall file an updated tariff sheet to reflect this variance from the Commission's Order.
4. Commission Rule 20 CSR 4240-4.017 is waived for purposes of this case.

5. This order shall be effective on October 7, 2023.
6. This file shall be closed on October 8, 2023.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Rupp, Chm., Coleman, Holsman, Kolkmeier
and Hahn CC., concur.

Pridgin, Deputy Chief Regulatory Law Judge

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Spire Missouri)
Inc. for a Temporary Variance of its Meter)
Sampling Program for Diaphragm Meters During) Case No. GE-2023-0354
Deployment of Ultrasonic Automated Metering)
Infrastructure.)

FULL AND UNANIMOUS STIPULATION AND AGREEMENT

COMES NOW Spire Missouri Inc. (“Spire Missouri” or "Company") and the Staff of the Missouri Public Service Commission (“Staff”) (collectively, the “Parties”), by and through counsel, and respectfully submits this *Full and Unanimous Stipulation and Agreement* (this “Stipulation”), stating the following to the Missouri Public Service Commission (“Commission”):

1. On April 11, 2023, Spire Missouri filed its *Verified Application for Variance of Meter Testing Requirements and for Waiver from 60-Day Notice Rule* (“Application”).
2. On July 10, 2023, Staff filed its recommendation on the Application.
3. This Stipulation is being entered into for the purpose of settling all issues in this case.
4. The Parties agree that Spire Missouri’s request for a temporary variance from the Commission’s order in GO-91-353 for its Spire Missouri West operating area should be denied.
5. The Parties agree that Spire Missouri’s request for a temporary variance from the Commission’s order in GO-95-320 for meter testing in its Spire Missouri East operating area should be approved. The Parties also agree that this temporary variance will terminate on December 31, 2025.

6. The Parties agree that Spire Missouri will file an updated Sheet No. R-8 reflecting the Commission's order in this case.

7. The Parties agree that a Commission order approving this Stipulation would not affect any prior Commission order with the exception of GO-95-320, Spire Missouri's meter testing program for its East operating area, as noted in Paragraph 5.

8. The Parties further agree to the following conditions:

a. The temporary variance from Spire Missouri East's meter sampling plan applies only to Class 250, 400, and 600 diaphragm meters and expires on December 31, 2025. Spire Missouri shall continue to test rotary and turbine meters at least every 120 months. Spire Missouri shall continue to remove, inspect, and test tin case, iron case, steel case, and older aluminum case meters at least once every 120 months to the extent any such meters are still in use.

b. Spire Missouri shall communicate with customers where an appointment is needed for the ultrasonic meter change, informing them of the option to test the diaphragm meter upon removal to verify accuracy. Spire Missouri will also post on its public facing website, the tariff language contained on Sheet R-8 regarding meter testing options for diaphragm meters.

c. Spire Missouri will continue to follow its current policy regarding high bill investigations and test meters that the Company has determined could be measuring outside of our accepted accuracy standards. Spire Missouri will continue to test meters upon customer request pursuant to 20 CSR 4240-10.030(20).

d. The temporary variance does not apply to ultrasonic meters. Spire Missouri shall periodically test ultrasonic meters in accordance with the rule and maintain a record of the results.

e. Spire Missouri shall maintain records of manufacturer/factory tests for installed ultrasonic meters.

GENERAL TERMS

9. This Stipulation is being entered into solely for the purpose of settling the issues in this case. Unless otherwise explicitly provided herein, none of the Signatories shall be deemed to have approved or acquiesced in any ratemaking or procedural principle. Except as explicitly provided herein, none of the Signatories shall be prejudiced or bound in any manner by the terms of this Stipulation in this or any other proceeding. This Stipulation has resulted from extensive negotiations among the Signatories, and the terms hereof are interdependent and non-severable. If the Commission does not approve this Stipulation unconditionally and without modification, or if the Commission approves the Stipulation with modifications or conditions to which a Signatory objects, then this Stipulation shall be void and none of the Signatories shall be bound by any of the agreements or provisions hereof.

10. In the event the Commission accepts the specific terms of this Stipulation without condition or modification, the Signatories waive their respective rights to call, examine, and cross-examine witnesses pursuant to §536.070(2) RSMo; present oral argument and written briefs pursuant to §536.080.1; their respective rights to the reading of the transcript by the Commission pursuant to §536.080.2; their respective rights to seek rehearing pursuant to §386.500; and their respective rights to judicial review pursuant to §386.510. These waivers apply only to a Commission order approving this Stipulation without condition or modification issued in this proceeding. The Signatories agree that any and all discussions, suggestions, or memoranda reviewed or discussed, related to this Stipulation shall be privileged and shall not be subject to discovery, admissible in evidence, or in any way used, described or discussed.

11. This Stipulation contains the entire agreement of the Signatories concerning the issues addressed herein. The intent of the Signatories has been fully and exclusively expressed in this document.

WHEREFORE, the Parties respectfully request that the Commission accept and issue an order adopting this Stipulation and order any other relief as is just and reasonable.

Respectfully submitted,

/s/ J. Antonio Arias

Matthew Aplington MoBar #58565
General Counsel
Spire Missouri Inc.
700 Market Street, 6th Floor
St. Louis, MO 63101
(314) 342-0785 (Office)
Email: matt.aplington@spireenergy.com

J. Antonio Arias MoBar #74475
Regulatory Counsel
Spire Missouri, Inc.
700 Market Street, 6th Floor
St. Louis, MO 63101
(314) 342-0655 (Office)
Email: antonio.arias@spireenergy.com

ATTORNEYS FOR SPIRE MISSOURI INC.

/s/ Eric Vandergriff

Eric Vandergriff
Legal Counsel
Missouri Bar No. 73984
P.O. Box 360
Jefferson City, MO 65102
573-522-9524 (Voice)
573-751-9285 (Fax)
Eric.Vandergriff@psc.mo.gov

**Attorney for the Staff of the
Missouri Public Service Commission**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served via electronic mail to the Parties of record on this 21st day of August, 2023.

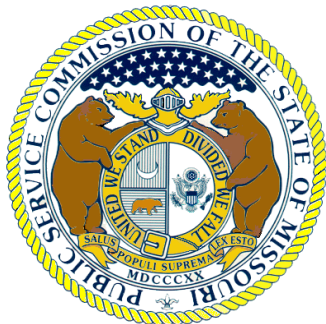
/s/ Julie Johnson

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 7th day of September, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

September 7, 2023

File/Case No. GE-2023-0354

MO PSC Staff

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel (OPC)

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@opc.mo.gov

MO PSC Staff

Eric Vandergriff
200 Madison Street
Jefferson City, MO 65101
eric.vandergriff@psc.mo.gov

Spire

Matthew Aplington
700 Market Street
Saint Louis, MO 63101
matt.aplington@spireenergy.com

Spire

J. Antonio Arias
700 Market Street, 6th Floor
St. Louis, MO 63101
antonio.arias@spireenergy.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.